

E-FILED - 12/9/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HASSAN ABPIKAR,)	No. C 08-4436 RMW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
)	
EDWARD FLORES, Chief of Corrections,)	
County of Santa Clara Department of)	
Corrections,)	
)	
Respondent.)	

On September 30, 2008, petitioner, a pretrial detainee incarcerated at the Santa Clara County Jail and proceeding pro se, filed the above entitled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He has paid the filing fee.

Petitioner is facing federal charges in this court for violating 18 U.S.C. §§ 1001(a)(1),(2), (3), 1015(a),(d),¹ but has posted the required bail for his pretrial release on those charges. However, petitioner asserts that he is nevertheless being held in custody by the Immigration and Customs Enforcement Service and has not been brought "before an immigration judge who could and would set bail pending a removal proceeding." Pet. 2:19-20. The court understands that petitioner has now appeared before an immigration judge, so his complaint that he has not been

¹Petitioner's criminal case is currently pending in this court, under case number CR 08-00560 RMW (PVT).

1 brought before an immigration judge is now moot. Therefore, the court hereby denies
2 petitioner's request for a writ of habeas corpus. If petitioner believes the court's understanding is
3 erroneous, he may request reconsideration of this order. If no request is made within 15 days of
4 the date of this order, or one is made and denied, the court will enter judgment dismissing the
5 petition.

6 IT IS SO ORDERED.

7
8 DATED: 12/5/08


RONALD M. WHYTE
United States District Judge